

Representative Casey Snider proposes the following substitute bill:

WATER AMENDMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Scott D. Sandall

House Sponsor: Casey Snider

LONG TITLE

General Description:

This bill addresses coordination of planning related to water.

Highlighted Provisions:

This bill:

- ▶ provides for a study;
- ▶ addresses grants for environmental improvement projects;
- ▶ requires certain municipal and county planning commissions to consult with the Division of Water Resources in development of general plans;
- ▶ addresses consultation with the Department of Agriculture and Food;
- ▶ requires notification of irrigation and canal companies in certain circumstances;
- ▶ requires counties to notify certain public water systems and request feedback on how elements of the general plan affect certain water planning;
- ▶ requires counties to consider planning for regionalization of public water systems;
- ▶ provides for action by the director of the Division of Drinking Water to establish regional source and storage minimum sizing standards or adjust system-specific sizing standards;
- ▶ addresses a change application by a shareholder of a water company;
- ▶ provides what may be included in a water conservation plan;



- 26 ▶ modifies requirements related to the Division of Water Resources making rules for
- 27 regional water conservation goals;
- 28 ▶ requires the Division of Water Resources to consult with watershed councils under
- 29 certain circumstances;
- 30 ▶ changes the membership of the Water Development Coordinating Council;
- 31 ▶ directs the Water Development Coordinating Council to take actions related to the
- 32 coordination of growth and conservation planning; and
- 33 ▶ makes technical changes.

34 **Money Appropriated in this Bill:**

35 This bill appropriates in fiscal year 2024:

- 36 ▶ to the Department of Natural Resources -- Water Resources -- Planning, as a
- 37 one-time appropriation:

- 38 • from the General Fund, One-time, \$500,000;

- 39 ▶ to the Department of Natural Resources -- Water Resources -- Planning, as an
- 40 ongoing appropriation:

- 41 • from the General Fund, \$130,000;

- 42 ▶ to the Department of Environmental Quality – Drinking Water, System Assistance,
- 43 as an ongoing appropriation:

- 44 • from the General Fund, \$130,000; and

- 45 ▶ to the Department of Agriculture and Food -- Resource Conservation, as an ongoing
- 46 appropriation:

- 47 • from the General Fund, \$130,000.

48 **Other Special Clauses:**

49 This bill provides a special effective date.

50 **Utah Code Sections Affected:**

51 AMENDS:

52 **4-18-108**, as last amended by Laws of Utah 2022, Chapter 79

53 **10-9a-403**, as last amended by Laws of Utah 2022, Chapters 282, 406 and last amended

54 by Coordination Clause, Laws of Utah 2022, Chapter 406

55 **17-27a-403**, as last amended by Laws of Utah 2022, Chapters 282, 406

56 **19-4-106**, as last amended by Laws of Utah 2020, Chapter 256

57 **19-4-114**, as last amended by Laws of Utah 2020, Chapter 256
 58 **73-3-3.5**, as last amended by Laws of Utah 2015, Chapter 249
 59 **73-10-32**, as last amended by Laws of Utah 2022, Chapter 90
 60 **73-10-36**, as enacted by Laws of Utah 2022, Chapter 282
 61 **73-10c-3**, as last amended by Laws of Utah 2022, Chapter 66

62 ENACTS:

63 **73-10c-11**, Utah Code Annotated 1953



65 *Be it enacted by the Legislature of the state of Utah:*

66 Section 1. Section **4-18-108** is amended to read:

67 **4-18-108. Grants for environmental improvement projects -- Criteria for award**
 68 **-- Duties of commission.**

69 (1) The commission may make a grant from the Agriculture Resource Development
 70 Fund, or from funds appropriated by the federal government, Legislature, or another entity, to
 71 an eligible entity, as defined by the department by rule made in accordance with Title 63G,
 72 Chapter 3, Utah Administrative Rulemaking Act, for:

73 (a) control or eradication of noxious weeds and invasive plant species in cooperation
 74 and coordination with a local weed board;

75 (b) the costs of plans or projects to improve manure management, control surface water
 76 runoff, or address other environmental issues on a farm or ranch operation, including the costs
 77 of preparing or implementing a nutrient management plan;

78 (c) the improvement of water quality;

79 (d) the improvement of water quantity and flows;

80 [~~(d)~~] (e) the development of watershed plans; or

81 [~~(e)~~] (f) a program to address other environmental issues.

82 (2) (a) In awarding a grant, the commission shall consider the following criteria:

83 (i) the ability of the grantee to pay for the costs of proposed plans or projects;

84 (ii) the availability of:

85 (A) matching funds provided by the grantee or another source; or

86 (B) material, labor, or other items of value provided in lieu of money by the grantee or
 87 another source; and

- 88 (iii) the benefits that accrue to the general public by the awarding of a grant.
- 89 (b) The commission may establish by rule additional criteria for the awarding of a
- 90 grant.
- 91 (3) The commission shall make rules in accordance with Title 63G, Chapter 3, Utah
- 92 Administrative Rulemaking Act, to implement this section.
- 93 (4) The commission may appoint an advisory board to:
- 94 (a) assist with the grant process;
- 95 (b) make recommendations to the commission regarding grants; and
- 96 (c) establish policies and procedures for awarding loans or grants.

97 Section 2. Section **10-9a-403** is amended to read:

98 **10-9a-403. General plan preparation.**

99 (1) (a) The planning commission shall provide notice, as provided in Section
100 [10-9a-203](#), of the planning commission's intent to make a recommendation to the municipal
101 legislative body for a general plan or a comprehensive general plan amendment when the
102 planning commission initiates the process of preparing the planning commission's
103 recommendation.

104 (b) The planning commission shall make and recommend to the legislative body a
105 proposed general plan for the area within the municipality.

106 (c) The plan may include areas outside the boundaries of the municipality if, in the
107 planning commission's judgment, those areas are related to the planning of the municipality's
108 territory.

109 (d) Except as otherwise provided by law or with respect to a municipality's power of
110 eminent domain, when the plan of a municipality involves territory outside the boundaries of
111 the municipality, the municipality may not take action affecting that territory without the
112 concurrence of the county or other municipalities affected.

113 (2) (a) At a minimum, the proposed general plan, with the accompanying maps, charts,
114 and descriptive and explanatory matter, shall include the planning commission's
115 recommendations for the following plan elements:

116 (i) a land use element that:

117 (A) designates the long-term goals and the proposed extent, general distribution, and
118 location of land for housing for residents of various income levels, business, industry,

119 agriculture, recreation, education, public buildings and grounds, open space, and other
120 categories of public and private uses of land as appropriate;

121 (B) includes a statement of the projections for and standards of population density and
122 building intensity recommended for the various land use categories covered by the plan;

123 (C) except for a city of the fifth class or a town, is coordinated to integrate the land use
124 element with the water use and preservation element; and

125 (D) except for a city of the fifth class or a town, accounts for the effect of land use
126 categories and land uses on water demand;

127 (ii) a transportation and traffic circulation element that:

128 (A) provides the general location and extent of existing and proposed freeways, arterial
129 and collector streets, public transit, active transportation facilities, and other modes of
130 transportation that the planning commission considers appropriate;

131 (B) for a municipality that has access to a major transit investment corridor, addresses
132 the municipality's plan for residential and commercial development around major transit
133 investment corridors to maintain and improve the connections between housing, employment,
134 education, recreation, and commerce;

135 (C) for a municipality that does not have access to a major transit investment corridor,
136 addresses the municipality's plan for residential and commercial development in areas that will
137 maintain and improve the connections between housing, transportation, employment,
138 education, recreation, and commerce; and

139 (D) correlates with the population projections, the employment projections, and the
140 proposed land use element of the general plan;

141 (iii) for a specified municipality as defined in Section [10-9a-408](#), a moderate income
142 housing element that:

143 (A) provides a realistic opportunity to meet the need for additional moderate income
144 housing within the next five years;

145 (B) selects three or more moderate income housing strategies described in Subsection
146 (2)(b)(iii) for implementation, including one additional moderate income housing strategy as
147 provided in Subsection (2)(b)(iv) for a specified municipality that has a fixed guideway public
148 transit station; and

149 (C) includes an implementation plan as provided in Subsection (2)(c); and

150 (iv) except for a city of the fifth class or a town, a water use and preservation element
151 that addresses:

152 (A) the effect of permitted development or patterns of development on water demand
153 and water infrastructure;

154 (B) methods of reducing water demand and per capita consumption for future
155 development;

156 (C) methods of reducing water demand and per capita consumption for existing
157 development; and

158 (D) opportunities for the municipality to modify the municipality's operations to
159 eliminate practices or conditions that waste water.

160 (b) In drafting the moderate income housing element, the planning commission:

161 (i) shall consider the Legislature's determination that municipalities shall facilitate a
162 reasonable opportunity for a variety of housing, including moderate income housing:

163 (A) to meet the needs of people of various income levels living, working, or desiring to
164 live or work in the community; and

165 (B) to allow people with various incomes to benefit from and fully participate in all
166 aspects of neighborhood and community life;

167 (ii) for a town, may include, and for a specified municipality as defined in Section
168 [10-9a-408](#), shall include, an analysis of how the municipality will provide a realistic
169 opportunity for the development of moderate income housing within the next five years;

170 (iii) for a town, may include, and for other municipalities, shall include, a
171 recommendation to implement three or more of the following moderate income housing
172 strategies:

173 (A) rezone for densities necessary to facilitate the production of moderate income
174 housing;

175 (B) demonstrate investment in the rehabilitation or expansion of infrastructure that
176 facilitates the construction of moderate income housing;

177 (C) demonstrate investment in the rehabilitation of existing uninhabitable housing
178 stock into moderate income housing;

179 (D) identify and utilize general fund subsidies or other sources of revenue to waive
180 construction related fees that are otherwise generally imposed by the municipality for the

181 construction or rehabilitation of moderate income housing;

182 (E) create or allow for, and reduce regulations related to, internal or detached accessory
183 dwelling units in residential zones;

184 (F) zone or rezone for higher density or moderate income residential development in
185 commercial or mixed-use zones near major transit investment corridors, commercial centers, or
186 employment centers;

187 (G) amend land use regulations to allow for higher density or new moderate income
188 residential development in commercial or mixed-use zones near major transit investment
189 corridors;

190 (H) amend land use regulations to eliminate or reduce parking requirements for
191 residential development where a resident is less likely to rely on the resident's own vehicle,
192 such as residential development near major transit investment corridors or senior living
193 facilities;

194 (I) amend land use regulations to allow for single room occupancy developments;

195 (J) implement zoning incentives for moderate income units in new developments;

196 (K) preserve existing and new moderate income housing and subsidized units by
197 utilizing a landlord incentive program, providing for deed restricted units through a grant
198 program, or, notwithstanding Section [10-9a-535](#), establishing a housing loss mitigation fund;

199 (L) reduce, waive, or eliminate impact fees related to moderate income housing;

200 (M) demonstrate creation of, or participation in, a community land trust program for
201 moderate income housing;

202 (N) implement a mortgage assistance program for employees of the municipality, an
203 employer that provides contracted services to the municipality, or any other public employer
204 that operates within the municipality;

205 (O) apply for or partner with an entity that applies for state or federal funds or tax
206 incentives to promote the construction of moderate income housing, an entity that applies for
207 programs offered by the Utah Housing Corporation within that agency's funding capacity, an
208 entity that applies for affordable housing programs administered by the Department of
209 Workforce Services, an entity that applies for affordable housing programs administered by an
210 association of governments established by an interlocal agreement under Title 11, Chapter 13,
211 Interlocal Cooperation Act, an entity that applies for services provided by a public housing

212 authority to preserve and create moderate income housing, or any other entity that applies for
213 programs or services that promote the construction or preservation of moderate income
214 housing;

215 (P) demonstrate utilization of a moderate income housing set aside from a community
216 reinvestment agency, redevelopment agency, or community development and renewal agency
217 to create or subsidize moderate income housing;

218 (Q) create a housing and transit reinvestment zone pursuant to Title 63N, Chapter 3,
219 Part 6, Housing and Transit Reinvestment Zone Act;

220 (R) eliminate impact fees for any accessory dwelling unit that is not an internal
221 accessory dwelling unit as defined in Section 10-9a-530;

222 (S) create a program to transfer development rights for moderate income housing;

223 (T) ratify a joint acquisition agreement with another local political subdivision for the
224 purpose of combining resources to acquire property for moderate income housing;

225 (U) develop a moderate income housing project for residents who are disabled or 55
226 years old or older;

227 (V) develop and adopt a station area plan in accordance with Section 10-9a-403.1;

228 (W) create or allow for, and reduce regulations related to, multifamily residential
229 dwellings compatible in scale and form with detached single-family residential dwellings and
230 located in walkable communities within residential or mixed-use zones; and

231 (X) demonstrate implementation of any other program or strategy to address the
232 housing needs of residents of the municipality who earn less than 80% of the area median
233 income, including the dedication of a local funding source to moderate income housing or the
234 adoption of a land use ordinance that requires 10% or more of new residential development in a
235 residential zone be dedicated to moderate income housing; and

236 (iv) in addition to the recommendations required under Subsection (2)(b)(iii), for a
237 municipality that has a fixed guideway public transit station, shall include a recommendation to
238 implement:

239 (A) the strategy described in Subsection (2)(b)(iii)(V); and

240 (B) a strategy described in Subsection (2)(b)(iii)(G), (H), or (Q).

241 (c) (i) In drafting the implementation plan portion of the moderate income housing
242 element as described in Subsection (2)(a)(iii)(C), the planning commission shall establish a

243 timeline for implementing each of the moderate income housing strategies selected by the
244 municipality for implementation.

245 (ii) The timeline described in Subsection (2)(c)(i) shall:

246 (A) identify specific measures and benchmarks for implementing each moderate
247 income housing strategy selected by the municipality, whether one-time or ongoing; and

248 (B) provide flexibility for the municipality to make adjustments as needed.

249 (d) In drafting the land use element, the planning commission shall:

250 (i) identify and consider each agriculture protection area within the municipality;

251 (ii) avoid proposing a use of land within an agriculture protection area that is
252 inconsistent with or detrimental to the use of the land for agriculture; and

253 (iii) consider and coordinate with any station area plans adopted by the municipality if
254 required under Section 10-9a-403.1.

255 (e) In drafting the transportation and traffic circulation element, the planning
256 commission shall:

257 (i) (A) consider and coordinate with the regional transportation plan developed by the
258 municipality's region's metropolitan planning organization, if the municipality is within the
259 boundaries of a metropolitan planning organization; or

260 (B) consider and coordinate with the long-range transportation plan developed by the
261 Department of Transportation, if the municipality is not within the boundaries of a
262 metropolitan planning organization; and

263 (ii) consider and coordinate with any station area plans adopted by the municipality if
264 required under Section 10-9a-403.1.

265 (f) In drafting the water use and preservation element, the planning commission:

266 (i) shall consider:

267 (A) applicable regional water conservation goals recommended by the Division of
268 Water Resources; and

269 (B) if Section 73-10-32 requires the municipality to adopt a water conservation plan
270 pursuant to Section 73-10-32, the municipality's water conservation plan;

271 (ii) shall include a recommendation for:

272 (A) water conservation policies to be determined by the municipality; and

273 (B) landscaping options within a public street for current and future development that

274 do not require the use of lawn or turf in a parkstrip;

275 (iii) shall review the municipality's land use ordinances and include a recommendation

276 for changes to an ordinance that promotes the inefficient use of water;

277 (iv) shall consider principles of sustainable landscaping, including the:

278 (A) reduction or limitation of the use of lawn or turf;

279 (B) promotion of site-specific landscape design that decreases stormwater runoff or

280 runoff of water used for irrigation;

281 (C) preservation and use of healthy trees that have a reasonable water requirement or

282 are resistant to dry soil conditions;

283 (D) elimination or regulation of ponds, pools, and other features that promote

284 unnecessary water evaporation;

285 (E) reduction of yard waste; and

286 (F) use of an irrigation system, including drip irrigation, best adapted to provide the

287 optimal amount of water to the plants being irrigated;

288 (v) shall consult with the public water system or systems serving the municipality with

289 drinking water regarding how implementation of the land use element and water use and

290 preservation element may affect:

291 (A) water supply planning, including drinking water source and storage capacity

292 consistent with Section 19-4-114; and

293 (B) water distribution planning, including master plans, infrastructure asset

294 management programs and plans, infrastructure replacement plans, and impact fee facilities

295 plans;

296 (vi) shall consult with the Division of Water Resources for information and technical

297 resources regarding regional water conservation goals, including how implementation of the

298 land use element and the water use and preservation element may affect the Great Salt Lake;

299 [~~vi~~] (vii) may include recommendations for additional water demand reduction

300 strategies, including:

301 (A) creating a water budget associated with a particular type of development;

302 (B) adopting new or modified lot size, configuration, and landscaping standards that

303 will reduce water demand for new single family development;

304 (C) providing one or more water reduction incentives for existing development such as

305 modification of existing landscapes and irrigation systems and installation of water fixtures or
306 systems that minimize water demand;

307 (D) discouraging incentives for economic development activities that do not adequately
308 account for water use or do not include strategies for reducing water demand; and

309 (E) adopting water concurrency standards requiring that adequate water supplies and
310 facilities are or will be in place for new development; and

311 [~~(vii)~~] (viii) for a town, may include, and for another municipality, shall include, a
312 recommendation for low water use landscaping standards for a new:

313 (A) commercial, industrial, or institutional development;

314 (B) common interest community, as defined in Section 57-25-102; or

315 (C) multifamily housing project.

316 (3) The proposed general plan may include:

317 (a) an environmental element that addresses:

318 (i) the protection, conservation, development, and use of natural resources, including
319 the quality of:

320 (A) air;

321 (B) forests;

322 (C) soils;

323 (D) rivers;

324 (E) groundwater and other waters;

325 (F) harbors;

326 (G) fisheries;

327 (H) wildlife;

328 (I) minerals; and

329 (J) other natural resources; and

330 (ii) (A) the reclamation of land, flood control, prevention and control of the pollution
331 of streams and other waters;

332 (B) the regulation of the use of land on hillsides, stream channels and other
333 environmentally sensitive areas;

334 (C) the prevention, control, and correction of the erosion of soils;

335 (D) the preservation and enhancement of watersheds and wetlands; and

- 336 (E) the mapping of known geologic hazards;
- 337 (b) a public services and facilities element showing general plans for sewage, water,
- 338 waste disposal, drainage, public utilities, rights-of-way, easements, and facilities for them,
- 339 police and fire protection, and other public services;
- 340 (c) a rehabilitation, redevelopment, and conservation element consisting of plans and
- 341 programs for:
 - 342 (i) historic preservation;
 - 343 (ii) the diminution or elimination of a development impediment as defined in Section
 - 344 [17C-1-102](#); and
 - 345 (iii) redevelopment of land, including housing sites, business and industrial sites, and
 - 346 public building sites;
 - 347 (d) an economic element composed of appropriate studies and forecasts, as well as an
 - 348 economic development plan, which may include review of existing and projected municipal
 - 349 revenue and expenditures, revenue sources, identification of basic and secondary industry,
 - 350 primary and secondary market areas, employment, and retail sales activity;
 - 351 (e) recommendations for implementing all or any portion of the general plan, including
 - 352 the adoption of land and water use ordinances, capital improvement plans, community
 - 353 development and promotion, and any other appropriate action;
 - 354 (f) provisions addressing any of the matters listed in Subsection [10-9a-401\(2\)](#) or (3);
 - 355 and
 - 356 (g) any other element the municipality considers appropriate.

357 Section 3. Section **17-27a-403** is amended to read:

358 **17-27a-403. Plan preparation.**

359 (1) (a) The planning commission shall provide notice, as provided in Section

360 [17-27a-203](#), of the planning commission's intent to make a recommendation to the county

361 legislative body for a general plan or a comprehensive general plan amendment when the

362 planning commission initiates the process of preparing the planning commission's

363 recommendation.

364 (b) The planning commission shall make and recommend to the legislative body a

365 proposed general plan for:

- 366 (i) the unincorporated area within the county; or

367 (ii) if the planning commission is a planning commission for a mountainous planning
368 district, the mountainous planning district.

369 (c) (i) The plan may include planning for incorporated areas if, in the planning
370 commission's judgment, they are related to the planning of the unincorporated territory or of
371 the county as a whole.

372 (ii) Elements of the county plan that address incorporated areas are not an official plan
373 or part of a municipal plan for any municipality, unless the county plan is recommended by the
374 municipal planning commission and adopted by the governing body of the municipality.

375 (2) (a) At a minimum, the proposed general plan, with the accompanying maps, charts,
376 and descriptive and explanatory matter, shall include the planning commission's
377 recommendations for the following plan elements:

378 (i) a land use element that:

379 (A) designates the long-term goals and the proposed extent, general distribution, and
380 location of land for housing for residents of various income levels, business, industry,
381 agriculture, recreation, education, public buildings and grounds, open space, and other
382 categories of public and private uses of land as appropriate;

383 (B) includes a statement of the projections for and standards of population density and
384 building intensity recommended for the various land use categories covered by the plan;

385 (C) is coordinated to integrate the land use element with the water use and preservation
386 element; and

387 (D) accounts for the effect of land use categories and land uses on water demand;

388 (ii) a transportation and traffic circulation element that:

389 (A) provides the general location and extent of existing and proposed freeways, arterial
390 and collector streets, public transit, active transportation facilities, and other modes of
391 transportation that the planning commission considers appropriate;

392 (B) addresses the county's plan for residential and commercial development around
393 major transit investment corridors to maintain and improve the connections between housing,
394 employment, education, recreation, and commerce; and

395 (C) correlates with the population projections, the employment projections, and the
396 proposed land use element of the general plan;

397 (iii) for a specified county as defined in Section [17-27a-408](#), a moderate income

398 housing element that:

399 (A) provides a realistic opportunity to meet the need for additional moderate income
400 housing within the next five years;

401 (B) selects three or more moderate income housing strategies described in Subsection
402 (2)(b)(ii) for implementation; and

403 (C) includes an implementation plan as provided in Subsection (2)(e);

404 (iv) a resource management plan detailing the findings, objectives, and policies
405 required by Subsection 17-27a-401(3); and

406 (v) a water use and preservation element that addresses:

407 (A) the effect of permitted development or patterns of development on water demand
408 and water infrastructure;

409 (B) methods of reducing water demand and per capita consumption for future
410 development;

411 (C) methods of reducing water demand and per capita consumption for existing
412 development; and

413 (D) opportunities for the county to modify the county's operations to eliminate
414 practices or conditions that waste water.

415 (b) In drafting the moderate income housing element, the planning commission:

416 (i) shall consider the Legislature's determination that counties should facilitate a
417 reasonable opportunity for a variety of housing, including moderate income housing:

418 (A) to meet the needs of people of various income levels living, working, or desiring to
419 live or work in the community; and

420 (B) to allow people with various incomes to benefit from and fully participate in all
421 aspects of neighborhood and community life; and

422 (ii) shall include an analysis of how the county will provide a realistic opportunity for
423 the development of moderate income housing within the planning horizon, including a
424 recommendation to implement three or more of the following moderate income housing
425 strategies:

426 (A) rezone for densities necessary to facilitate the production of moderate income
427 housing;

428 (B) demonstrate investment in the rehabilitation or expansion of infrastructure that

429 facilitates the construction of moderate income housing;

430 (C) demonstrate investment in the rehabilitation of existing uninhabitable housing
431 stock into moderate income housing;

432 (D) identify and utilize county general fund subsidies or other sources of revenue to
433 waive construction related fees that are otherwise generally imposed by the county for the
434 construction or rehabilitation of moderate income housing;

435 (E) create or allow for, and reduce regulations related to, internal or detached accessory
436 dwelling units in residential zones;

437 (F) zone or rezone for higher density or moderate income residential development in
438 commercial or mixed-use zones, commercial centers, or employment centers;

439 (G) amend land use regulations to allow for higher density or new moderate income
440 residential development in commercial or mixed-use zones near major transit investment
441 corridors;

442 (H) amend land use regulations to eliminate or reduce parking requirements for
443 residential development where a resident is less likely to rely on the resident's own vehicle,
444 such as residential development near major transit investment corridors or senior living
445 facilities;

446 (I) amend land use regulations to allow for single room occupancy developments;

447 (J) implement zoning incentives for moderate income units in new developments;

448 (K) preserve existing and new moderate income housing and subsidized units by
449 utilizing a landlord incentive program, providing for deed restricted units through a grant
450 program, or establishing a housing loss mitigation fund;

451 (L) reduce, waive, or eliminate impact fees related to moderate income housing;

452 (M) demonstrate creation of, or participation in, a community land trust program for
453 moderate income housing;

454 (N) implement a mortgage assistance program for employees of the county, an
455 employer that provides contracted services for the county, or any other public employer that
456 operates within the county;

457 (O) apply for or partner with an entity that applies for state or federal funds or tax
458 incentives to promote the construction of moderate income housing, an entity that applies for
459 programs offered by the Utah Housing Corporation within that agency's funding capacity, an

460 entity that applies for affordable housing programs administered by the Department of
461 Workforce Services, an entity that applies for services provided by a public housing authority
462 to preserve and create moderate income housing, or any other entity that applies for programs
463 or services that promote the construction or preservation of moderate income housing;

464 (P) demonstrate utilization of a moderate income housing set aside from a community
465 reinvestment agency, redevelopment agency, or community development and renewal agency
466 to create or subsidize moderate income housing;

467 (Q) create a housing and transit reinvestment zone pursuant to Title 63N, Chapter 3,
468 Part 6, Housing and Transit Reinvestment Zone Act;

469 (R) eliminate impact fees for any accessory dwelling unit that is not an internal
470 accessory dwelling unit as defined in Section 10-9a-530;

471 (S) create a program to transfer development rights for moderate income housing;

472 (T) ratify a joint acquisition agreement with another local political subdivision for the
473 purpose of combining resources to acquire property for moderate income housing;

474 (U) develop a moderate income housing project for residents who are disabled or 55
475 years old or older;

476 (V) create or allow for, and reduce regulations related to, multifamily residential
477 dwellings compatible in scale and form with detached single-family residential dwellings and
478 located in walkable communities within residential or mixed-use zones; and

479 (W) demonstrate implementation of any other program or strategy to address the
480 housing needs of residents of the county who earn less than 80% of the area median income,
481 including the dedication of a local funding source to moderate income housing or the adoption
482 of a land use ordinance that requires 10% or more of new residential development in a
483 residential zone be dedicated to moderate income housing.

484 (iii) If a specified county, as defined in Section 17-27a-408, has created a small public
485 transit district, as defined in Section 17B-2a-802, on or before January 1, 2022, the specified
486 county shall include as part of the specified county's recommended strategies under Subsection
487 (2)(b)(ii) a recommendation to implement the strategy described in Subsection (2)(b)(ii)(Q).

488 (c) In drafting the land use element, the planning commission shall:

489 (i) identify and consider each agriculture protection area within the unincorporated area
490 of the county or mountainous planning district;

491 (ii) avoid proposing a use of land within an agriculture protection area that is
492 inconsistent with or detrimental to the use of the land for agriculture; and
493 (iii) consider and coordinate with any station area plans adopted by municipalities
494 located within the county under Section 10-9a-403.1.
495 (d) In drafting the transportation and traffic circulation element, the planning
496 commission shall:
497 (i) (A) consider and coordinate with the regional transportation plan developed by the
498 county's region's metropolitan planning organization, if the relevant areas of the county are
499 within the boundaries of a metropolitan planning organization; or
500 (B) consider and coordinate with the long-range transportation plan developed by the
501 Department of Transportation, if the relevant areas of the county are not within the boundaries
502 of a metropolitan planning organization; and
503 (ii) consider and coordinate with any station area plans adopted by municipalities
504 located within the county under Section 10-9a-403.1.
505 (e) (i) In drafting the implementation plan portion of the moderate income housing
506 element as described in Subsection (2)(a)(iii)(C), the planning commission shall establish a
507 timeline for implementing each of the moderate income housing strategies selected by the
508 county for implementation.
509 (ii) The timeline described in Subsection (2)(e)(i) shall:
510 (A) identify specific measures and benchmarks for implementing each moderate
511 income housing strategy selected by the county; and
512 (B) provide flexibility for the county to make adjustments as needed.
513 (f) In drafting the water use and preservation element, the planning commission:
514 (i) shall consider applicable regional water conservation goals recommended by the
515 Division of Water Resources;
516 (ii) shall consult with the Division of Water Resources for information and technical
517 resources regarding regional water conservation goals, including how implementation of the
518 land use element and water use and preservation element may affect the Great Salt Lake;
519 (iii) shall notify the community water systems serving drinking water within the
520 unincorporated portion of the county and request feedback from the community water systems
521 about how implementation of the land use element and water use and preservation element may

522 affect:

523 (A) water supply planning, including drinking water source and storage capacity

524 consistent with Section 19-4-114; and

525 (B) water distribution planning, including master plans, infrastructure asset

526 management programs and plans, infrastructure replacement plans, and impact fee facilities

527 plans;

528 (iv) shall consider the potential opportunities and benefits of planning for

529 regionalization of public water systems;

530 (v) shall consult with the Department of Agriculture and Food for information and

531 technical resources regarding the potential benefits of agriculture conservation easements and

532 potential implementation of agriculture water optimization projects that would support regional

533 water conservation goals;

534 (vi) shall notify an irrigation or canal company located in the county so that the

535 irrigation or canal company can be involved in the protection and integrity of the irrigation or

536 canal company's delivery systems;

537 [(ii)] (vii) shall include a recommendation for:

538 (A) water conservation policies to be determined by the county; and

539 (B) landscaping options within a public street for current and future development that

540 do not require the use of lawn or turf in a parkstrip;

541 [(iii)] (viii) shall review the county's land use ordinances and include a

542 recommendation for changes to an ordinance that promotes the inefficient use of water;

543 [(iv)] (ix) shall consider principles of sustainable landscaping, including the:

544 (A) reduction or limitation of the use of lawn or turf;

545 (B) promotion of site-specific landscape design that decreases stormwater runoff or

546 runoff of water used for irrigation;

547 (C) preservation and use of healthy trees that have a reasonable water requirement or

548 are resistant to dry soil conditions;

549 (D) elimination or regulation of ponds, pools, and other features that promote

550 unnecessary water evaporation;

551 (E) reduction of yard waste; and

552 (F) use of an irrigation system, including drip irrigation, best adapted to provide the

553 optimal amount of water to the plants being irrigated;

554 [~~(v)~~] (x) may include recommendations for additional water demand reduction

555 strategies, including:

556 (A) creating a water budget associated with a particular type of development;

557 (B) adopting new or modified lot size, configuration, and landscaping standards that
558 will reduce water demand for new single family development;

559 (C) providing one or more water reduction incentives for existing landscapes and
560 irrigation systems and installation of water fixtures or systems that minimize water demand;

561 (D) discouraging incentives for economic development activities that do not adequately
562 account for water use or do not include strategies for reducing water demand; and

563 (E) adopting water concurrency standards requiring that adequate water supplies and
564 facilities are or will be in place for new development; and

565 [~~(vi)~~] (xi) shall include a recommendation for low water use landscaping standards for
566 a new:

567 (A) commercial, industrial, or institutional development;

568 (B) common interest community, as defined in Section 57-25-102; or

569 (C) multifamily housing project.

570 (3) The proposed general plan may include:

571 (a) an environmental element that addresses:

572 (i) to the extent not covered by the county's resource management plan, the protection,
573 conservation, development, and use of natural resources, including the quality of:

574 (A) air;

575 (B) forests;

576 (C) soils;

577 (D) rivers;

578 (E) groundwater and other waters;

579 (F) harbors;

580 (G) fisheries;

581 (H) wildlife;

582 (I) minerals; and

583 (J) other natural resources; and

584 (ii) (A) the reclamation of land, flood control, prevention and control of the pollution
585 of streams and other waters;

586 (B) the regulation of the use of land on hillsides, stream channels and other
587 environmentally sensitive areas;

588 (C) the prevention, control, and correction of the erosion of soils;

589 (D) the preservation and enhancement of watersheds and wetlands; and

590 (E) the mapping of known geologic hazards;

591 (b) a public services and facilities element showing general plans for sewage, water,
592 waste disposal, drainage, public utilities, rights-of-way, easements, and facilities for them,
593 police and fire protection, and other public services;

594 (c) a rehabilitation, redevelopment, and conservation element consisting of plans and
595 programs for:

596 (i) historic preservation;

597 (ii) the diminution or elimination of a development impediment as defined in Section
598 [17C-1-102](#); and

599 (iii) redevelopment of land, including housing sites, business and industrial sites, and
600 public building sites;

601 (d) an economic element composed of appropriate studies and forecasts, as well as an
602 economic development plan, which may include review of existing and projected county
603 revenue and expenditures, revenue sources, identification of basic and secondary industry,
604 primary and secondary market areas, employment, and retail sales activity;

605 (e) recommendations for implementing all or any portion of the general plan, including
606 the adoption of land and water use ordinances, capital improvement plans, community
607 development and promotion, and any other appropriate action;

608 (f) provisions addressing any of the matters listed in Subsection [17-27a-401\(2\)](#) or
609 (3)(a)(i); and

610 (g) any other element the county considers appropriate.

611 Section 4. Section **19-4-106** is amended to read:

612 **19-4-106. Director -- Appointment -- Authority.**

613 (1) The executive director shall appoint the director. The director shall serve under the
614 administrative direction of the executive director.

615 (2) The director shall:

616 (a) develop programs to promote and protect the quality of the public drinking water
617 supplies of the state;

618 (b) advise, consult, and cooperate with other agencies of this and other states, the
619 federal government, and with other groups, political subdivisions, and industries in furtherance
620 of the purpose of this chapter;

621 (c) review plans, specifications, and other data pertinent to proposed or expanded water
622 supply systems to ensure proper design and construction; and

623 (d) subject to the provisions of this chapter, enforce rules made by the board through
624 the issuance of orders that may be subsequently revoked, which orders may require:

625 (i) discontinuance of use of unsatisfactory sources of drinking water;

626 (ii) suppliers to notify the public concerning the need to boil water; or

627 (iii) suppliers in accordance with existing rules, to take remedial actions necessary to
628 protect or improve an existing water system; and

629 (e) as authorized by the board and subject to the provisions of this chapter, act as
630 executive secretary of the board under the direction of the chair of the board.

631 (3) The director may authorize employees or agents of the department, after reasonable
632 notice and presentation of credentials, to enter any part of a public water system at reasonable
633 times to inspect the facilities and water quality records required by board rules, conduct
634 sanitary surveys, take samples, and investigate the standard of operation and service delivered
635 by public water systems.

636 (4) As provided in this chapter and in accordance with rules made by the board, the
637 director may:

638 (a) [~~the director may~~] issue and enforce a notice of violation and an administrative
639 order; and

640 (b) [~~the director may~~] assess and make a demand for payment of an administrative
641 penalty arising from a violation of this chapter, a rule or order issued under the authority of this
642 chapter, or the terms of a permit or other administrative authorization issued under the
643 authority of this chapter.

644 (5) (a) The director shall study how water providers, municipalities, counties, and state
645 agencies may find greater efficiencies through improved coordination, consolidation, and

646 regionalization related to:

647 (i) water use and conservation; and

648 (ii) administrative and economic efficiencies.

649 (b) The study under this Subsection (5) shall consider recommendations including
650 incentives, funding, regulatory changes, and statutory changes to promote greater coordination
651 and efficiency and to help meet water infrastructure needs statewide.

652 (c) The director shall:

653 (i) conduct the study in conjunction with the Division of Water Resources; and

654 (ii) consult with a diverse group consisting of water providers, state agencies, local
655 governments, and relevant stakeholders to help the director conduct the study and develop
656 recommendations described in this Subsection (5).

657 (d) On or before October 30, 2024, the director shall provide a written report of the
658 study's findings, including any recommended legislative action, to the Natural Resources,
659 Agriculture, and Environment Interim Committee.

660 Section 5. Section **19-4-114** is amended to read:

661 **19-4-114. Source and storage minimum sizing requirements for public water**
662 **systems.**

663 (1) (a) Except as provided in Subsection (1)(b), upon submission of plans for a
664 substantial addition to or alteration of a community water system, the director shall establish
665 system-specific source and storage minimum sizing requirements for a community water
666 system serving a population of more than 3,300 based on at least the most recent three years of
667 a community water system's actual water use data submitted in accordance with Subsections
668 **19-4-104(1)(c)(iv)** and (v).

669 (b) If the water use data required under Subsection **19-4-104(1)(c)(iv)** is not available
670 to the division, or if the community water system determines that the data submitted does not
671 represent future system use, the director may establish source and storage minimum sizing
672 requirements for the community water system based on:

673 (i) an engineering study submitted by the community water system and accepted by the
674 director; or

675 (ii) at least three years of historical water use data that is:

676 (A) submitted by the community water system; and

677 (B) accepted by the director.

678 (c) A community water system serving a population of more than 3,300 shall provide
679 the information necessary to establish the system-specific standards described in this
680 Subsection (1) by no later than March 1, 2019.

681 (2) (a) By no later than October 1, 2023, and except as provided in Subsection (2)(b),
682 the director shall establish system-specific source and storage minimum sizing requirements for
683 a community water system serving a population of between 500 and no more than 3,300 based
684 on at least the most recent three years of a community water system's actual water use data
685 submitted in accordance with Subsections 19-4-104(1)(c)(iv) and (v).

686 (b) If the water use data required under Subsection 19-4-104(1)(c)(iv) is not available
687 to the division, or if the community water system determines that the data submitted does not
688 represent future system use, the director may establish source and storage minimum sizing
689 requirements for the community water system based on:

690 (i) an engineering study submitted by the community water system and accepted by the
691 director; or

692 (ii) at least three years of historical water use data that is:

693 (A) submitted by the community water system; and

694 (B) accepted by the director.

695 (c) A community water system serving a population of between 500 and no more than
696 3,300 shall provide the information necessary to establish system-specific standards described
697 in this Subsection (2) by no later than March 1, 2023.

698 (3) The director shall establish system-specific source and storage minimum sizing
699 requirements for a community water system serving a population of fewer than 500 based on:

700 (a) at least the most recent three years of a community water system's actual water use
701 data submitted to the division and accepted by the director;

702 (b) an engineering study submitted by the community water system and accepted by the
703 director;

704 (c) standards, comparable to those of established community water systems, as
705 determined by the director; or

706 (d) relevant information, as determined by the director.

707 (4) The director shall:

708 (a) for community water systems described in Subsection (3), establish a schedule to
709 transition from statewide sizing standards to system-specific standards;

710 (b) establish minimum sizing standards for public water systems that are not
711 community water systems;

712 (c) provide for the routine evaluation of changes to the system-specific standards; and

713 (d) include, as part of system-specific standards, necessary fire storage capacity in
714 accordance with the state fire code adopted under Section [15A-1-403](#) and as determined by the
715 local fire code official.

716 (5) The director may adjust system-specific sizing standards, established under this
717 section for a public water system, based on information submitted by the public water system
718 addressing the effect of any wholesale water deliveries or other system-specific conditions
719 affecting infrastructure needs.

720 (6) ~~[A]~~ Except as provided for under Subsection (7), a wholesale water supplier is
721 exempt from this section if the wholesale water supplier serves:

722 (a) a total population of more than 10,000; and

723 (b) a wholesale population that is 75% or more of the total population served.

724 (7) Upon request of a wholesale water supplier and the community water systems
725 receiving water from the wholesale water supplier, the director may establish regional source
726 and storage minimum sizing standards for community water systems receiving water from the
727 wholesale water supplier using actual water use data submitted by the wholesale water supplier
728 and the community water systems served by the wholesale water supplier.

729 (8) The director may adjust system-specific sizing standards established under this
730 section for a public water system based on adopted enforceable water conservation measures
731 that are consistent with regional water conservation goals adopted pursuant to Subsection
732 [73-10-32](#) (2)(d)(ii)(A) or (B).

733 Section 6. Section **73-3-3.5** is amended to read:

734 **73-3-3.5. Application for a change of point of diversion, place of use, or purpose**
735 **of use of water in a water company made by a shareholder.**

736 (1) As used in this section:

737 (a) "Shareholder" means the owner of a share of stock, or other evidence of stock
738 ownership, that entitles the person to a proportionate share of water in a water company.

739 (b) "Water company" means, except as described in Subsection (1)(c), any company,
740 operating for profit or not for profit, where a shareholder has the right to receive a
741 proportionate share, based on that shareholder's ownership interest, of water delivered by the
742 company.

743 (c) "Water company" does not include a public water supplier, as defined in Section
744 73-1-4.

745 (2) (a) A shareholder who seeks to file a change application under Section 73-3-3 to
746 make a change to some or all of the water rights represented by the shareholder's shares in a
747 water company shall:

748 (i) prepare a proposed change application on forms furnished by the state engineer; and
749 (ii) provide the proposed change application to the water company by personal delivery
750 with a signed receipt, certified mail, or electronic mail with confirmation of receipt.

751 (b) The water company and the shareholder shall cooperate in supplying information
752 relevant to preparation or correction of the shareholder's change application.

753 (c) In addition to the information required under Section 73-3-3, the proposed change
754 application shall include:

755 (i) the certificate number of the stock affected by the change;

756 (ii) a description of the land proposed to be retired from irrigation in accordance with
757 Section 73-3-3, if the proposed change in place or nature of use of the water involves a
758 situation where the water was previously used for irrigation;

759 (iii) an agreement by the shareholder to continue to pay all applicable corporate
760 assessments on the share affected by the change; and

761 (iv) any other information that the water company may reasonably need to evaluate the
762 proposed change application.

763 (3) (a) [~~The water company shall respond to the proposed change application described~~
764 ~~in Subsection (2) within 120 days after the day on which the water company receives the~~
765 ~~proposed change application.] The water company shall respond to the proposed change
766 application described in Subsection (2) within:~~

767 (i) for a permanent change application, 120 days after the day on which the water
768 company receives the proposed change application; or

769 (ii) for a temporary change application, 60 days after the day on which the water

770 company receives the proposed change application.

771 (b) The water company's response to the proposed change application shall be in
772 writing and shall:

773 (i) consent to the proposed change;

774 (ii) consent to the proposed change, subject to certain conditions described by the water
775 company; or

776 (iii) decline to consent to the proposed change, describing the reasons for declining to
777 consent.

778 (c) If the water company fails to timely respond, as described in Subsection (3)(a), the
779 failure to respond shall be considered the water company's consent to the proposed change
780 application and the shareholder may file the change application with the state engineer.

781 (4) (a) In reviewing a shareholder's proposed change application, a water company may
782 consider:

783 (i) whether an increased cost to the water company or its shareholders results from the
784 proposed change;

785 (ii) whether the proposed change will interfere with the water company's ability to
786 manage and distribute water for the benefit of all shareholders;

787 (iii) whether the proposed change represents more water than the shareholder's
788 proportionate share of the water company's right;

789 (iv) whether the proposed change would create preferential access to use of particular
790 company water rights to the detriment of other shareholders;

791 (v) whether the proposed change will impair the quantity or quality of water delivered
792 to other shareholders under the existing water rights of the water company, including rights to
793 carrier water;

794 (vi) whether the proposed change violates a statute, ordinance, regulation, or order of a
795 court or government agency;

796 (vii) if applicable, whether the shareholder has or can arrange for the beneficial use of
797 water to be retired from irrigation within the water company's service area under the proposed
798 change; and

799 (viii) the cumulative effects that the approval of the change application may have on
800 other shareholders or water company operations.

801 (b) The water company may not withhold consent if any potential damage, liability, or
802 impairment to the water company, or its shareholders, can be reasonably mitigated without cost
803 to the water company.

804 (c) The water company may require the shareholder to pay all reasonable and necessary
805 costs associated with the change application, but may not impose unreasonable exactions.

806 (5) (a) If the water company declines to consent to the proposed change application,
807 stating its reasons, the shareholder may file an action in district court, seeking court review of
808 the reasonableness of the conditions imposed for giving consent or the reasons stated for
809 declining consent and a final order allowing the shareholder to file the proposed change
810 application with the state engineer.

811 (b) If the water company consents to the proposed change application subject to
812 conditions to which the shareholder does not agree, the shareholder may file the change
813 application with the state engineer as provided in Subsection (6), without waiving the
814 shareholder's right to contest conditions set by the water company under Subsection (3)(b)(ii).

815 (c) During or after the completion of the proceeding before the state engineer
816 commenced under Subsection (6), the shareholder may file an action in district court seeking
817 court review of the reasonableness of the conditions imposed by the water company for giving
818 consent.

819 (d) In an action brought under Subsection (5)(a), (b), or (c), the court:

820 (i) shall refer the parties to mediation under Title 78B, Chapter 6, Part 2, Alternative
821 Dispute Resolution Act, unless one or both parties decline mediation; and

822 (ii) may award costs and reasonable attorney fees to the prevailing party if mediation
823 does not occur because the other party declined to participate in mediation.

824 (6) If the water company consents to the proposed change, the water company fails to
825 respond as required by Subsection (3)(a), the court has entered an order described in
826 Subsection (5)(a), or the water company consents to the proposed change subject to conditions
827 to which the shareholder does not agree, as described in Subsection (5)(b), the shareholder may
828 commence an administrative proceeding by filing the change application with the state
829 engineer in accordance with Section 73-3-3 and this section.

830 (7) The shareholder shall include as part of the change application filed with the state
831 engineer under Subsection (5)(b) or (6):

832 (a) the water company's response to the shareholder's proposed change application;

833 (b) if applicable, an affidavit signed by the shareholder documenting the water

834 company's failure to respond in the time period described in Subsection (3)(a); or

835 (c) if applicable, the court order described in Subsection (5)(a).

836 (8) (a) The state engineer shall evaluate a shareholder's change application in the same

837 manner used to evaluate a change application submitted under Section 73-3-3, using the criteria

838 described in Section 73-3-8.

839 (b) Nothing in this section limits the authority of the state engineer in evaluating and

840 processing a change application, including the authority to require or allow a shareholder or

841 water company to submit additional relevant information, if the state engineer finds an absence

842 of prejudice and allows adequate time and opportunity for the other party to respond.

843 (9) If the state engineer approves a shareholder's change application, the state engineer

844 may, for shares included in the approval, require that the shareholder requesting the change be

845 current on all water company assessments and continue to pay all reasonably applicable future

846 assessments, with credit given to the shareholder for any cost savings to the company resulting

847 from the change.

848 (10) By mutual agreement only, and when the shares will rely upon a different

849 diversion and delivery system, the water company and the shareholder may negotiate a buyout

850 from the water company that may include a pro rata share of the water company's existing

851 indebtedness assignable to the shares.

852 (11) After an application has been approved by the state engineer, the shareholder may

853 file requests for extensions of time to submit proof of beneficial use under the change

854 application without further involvement of the water company.

855 (12) If, after a proposed change has been approved and gone into effect, a shareholder

856 fails to substantially comply with a condition described in Subsection (9), or any condition

857 reasonably imposed by the company and agreed to by the shareholder, and neglects to remedy

858 the failure after written notice from the water company that allows the shareholder a reasonable

859 opportunity to remedy the failure, no less than 90 days after the day on which the water

860 company gives notice, the water company may petition the state engineer to order a reversal of

861 the change application approval.

862 (13) (a) The shareholder requesting the change shall have a cause of action, including

863 an award of actual damages incurred, against the water company if the water company:

- 864 (i) unreasonably withholds approval of a requested change;
- 865 (ii) imposes unreasonable conditions in its approval; or
- 866 (iii) withdraws approval of a change application in a manner other than as provided in

867 Subsection (12).

868 (b) The court may award costs and reasonable attorney fees:

- 869 (i) to the shareholder if the court finds that the water company acted in bad faith when
- 870 it declined to consent to the proposed change or conditioned its consent on excessive exactions
- 871 or unreasonable conditions; or

- 872 (ii) to the water company if it finds that the shareholder acted in bad faith in refusing to
- 873 accept conditions reasonably necessary to protect other shareholders if the shareholder's change
- 874 application is approved.

875 Section 7. Section **73-10-32** is amended to read:

876 **73-10-32. Definitions -- Water conservation plan required.**

877 (1) As used in this section:

878 (a) "Division" means the Division of Water Resources created under Section [73-10-18](#).

879 (b) "Water conservancy district" means an entity formed under Title 17B, Chapter 2a,
880 Part 10, Water Conservancy District Act.

881 (c) "Water conservation plan" means a written document that contains existing and
882 proposed water conservation measures describing what will be done by a water provider, and
883 the end user of culinary water to help conserve water in the state in terms of per capita use of
884 water provided through culinary water infrastructure owned or operated by the water provider
885 so that adequate supplies of water are available for future needs.

886 (d) "Water provider" means:

- 887 (i) a retail water supplier, as defined in Section [19-4-102](#); or
- 888 (ii) a water conservancy district.

889 (2) (a) A water conservation plan shall contain:

890 (i) (A) a clearly stated overall water use reduction goal that is consistent with

891 Subsection (2)(d); and

892 (B) an implementation plan for each water conservation measure a water provider

893 chooses to use, including a timeline for action and an evaluation process to measure progress;

894 (ii) a requirement that a notification procedure be implemented that includes the
895 delivery of the water conservation plan to the media and to the governing body of each
896 municipality and county served by the water provider;

897 (iii) a copy of the minutes of the meeting regarding a water conservation plan and the
898 notification procedure required in Subsection (2)(a)(ii) that shall be added as an appendix to the
899 water conservation plan; and

900 (iv) for a retail water supplier, as defined in Section 19-4-102, the retail water
901 supplier's rate structure that is:

902 (A) adopted by the retail water supplier's governing body in accordance with Section
903 73-10-32.5; and

904 (B) current as of the day the retail water supplier files a water conservation plan.

905 (b) A water conservation plan may include information regarding:

906 (i) the installation and use of water efficient fixtures and appliances, including toilets,
907 shower fixtures, and faucets;

908 (ii) residential and commercial landscapes and irrigation that require less water to
909 maintain;

910 (iii) more water efficient industrial and commercial processes involving the use of
911 water;

912 (iv) water reuse systems, both potable and not potable;

913 (v) distribution system leak repair;

914 (vi) dissemination of public information regarding more efficient use of water,
915 including public education programs, customer water use audits, and water saving
916 demonstrations;

917 (vii) water rate structures designed to encourage more efficient use of water;

918 (viii) statutes, ordinances, codes, or regulations designed to encourage more efficient
919 use of water by means such as water efficient fixtures and landscapes;

920 (ix) incentives to implement water efficient techniques, including rebates to water
921 users to encourage the implementation of more water efficient measures; ~~and~~

922 (x) regional conservation planning and shared shortage agreements; and

923 ~~(x)~~ (xi) other measures designed to conserve water.

924 (c) The division may be contacted for information and technical resources regarding

925 measures listed in Subsection (2)(b).

926 (d) (i) The division shall adopt by rule, made in accordance with Title 63G, Chapter 3,
927 Utah Administrative Rulemaking Act, regional water conservation goals that:

928 (A) are developed by the division;

929 (B) take into consideration goals established in the Colorado River management plan
930 adopted pursuant to Section [63M-14-204](#);

931 (C) for areas in the Great Salt Lake watershed, take into consideration the Great Salt
932 Lake, including the water budget associated with the integrated surface and ground water
933 assessment described in Section [73-10g-402](#);

934 (D) take into consideration how growth and regional conservation goals impact
935 agriculture water use;

936 [~~(B)~~] (E) are reevaluated by December 31, 2030, and every 10 years after December
937 31, 2030; and

938 [~~(C)~~] (F) define what constitutes "water being conserved" under a water conservation
939 goal after considering factors such as depletion, diversion, use, consumption, or return flows.

940 (ii) As part of a water conservation plan, a water provider shall adopt one of the
941 following:

942 (A) the regional water conservation goal applicable to the water provider;

943 (B) a water conservation goal that would result in more water being conserved than
944 would be conserved under the regional water conservation goal; or

945 (C) a water conservation goal that would result in less water being conserved than
946 would be conserved under the regional water conservation goal with a reasonable justification
947 as to why the different water conservation goal is adopted and an explanation of the factors
948 supporting the reasonable justification, such as demographics, geography, lot sizes, make up of
949 water service classes, or availability of secondary water.

950 (3) (a) A water provider shall:

951 (i) prepare and adopt a water conservation plan; and

952 (ii) file a copy of the water conservation plan with the division.

953 (b) (i) Before adopting or amending a water conservation plan, a water provider shall
954 hold a public hearing with reasonable, advance public notice in accordance with this
955 Subsection (3)(b).

956 (ii) The water provider shall provide public notice at least 14 days before the date of
957 the public hearing.

958 (iii) A water provider meets the requirements of reasonable notice required by this
959 Subsection (3)(b) if the water provider posts notice of the public hearing in at least three public
960 places within the service area of the water provider and:

961 (A) if the water provider is a public entity, posts notice on the Utah Public Notice
962 Website, created in Section 63A-16-601; or

963 (B) if the water provider is a private entity and has a public website, posts notice on the
964 water provider's public website.

965 (iv) Proof that notice described in Subsection (3)(b)(iii) was given is prima facie
966 evidence that notice was properly given.

967 (v) If notice given under authority of this Subsection (3)(b) is not challenged within 30
968 days from the date of the public hearing for which the notice was given, the notice is
969 considered adequate and proper.

970 (c) A water provider shall:

971 (i) post the water provider's water conservation plan on a public website; or

972 (ii) if the water provider does not have a public website, make the water provider's
973 water conservation plan [~~publically~~] publicly available for inspection upon request.

974 (4) (a) The division shall:

975 (i) provide guidelines and technical resources to help water providers prepare and
976 implement water conservation plans;

977 (ii) assist water providers by identifying water conservation methods upon request; and

978 (iii) provide an online submission form that allows for an electronic copy of the water
979 conservation plan to be filed with the division under Subsection (3)(a)(ii).

980 (b) The division shall post an annual report at the end of a calendar year listing water
981 providers in compliance with this section.

982 (5) A water provider may only receive state funds for water development if the water
983 provider complies with the requirements of this section.

984 (6) A water provider specified under Subsection (3)(a) shall:

985 (a) update the water provider's water conservation plan no less frequently than every
986 five years; and

987 (b) follow the procedures required under Subsection (3) when updating the water
988 conservation plan.

989 (7) It is the intent of the Legislature that the water conservation plans, amendments to
990 existing water conservation plans, and the studies and report by the division be handled within
991 the existing budgets of the respective entities or agencies.

992 Section 8. Section **73-10-36** is amended to read:

993 **73-10-36. Division to provide technical assistance in local government planning.**

994 (1) As used in this section:

995 (a) "Division" means the Division of Water Resources.

996 (b) "General plan":

997 (i) for a municipality, means the same as that term is defined in Section [10-9a-103](#); and

998 (ii) for a county, means the same as that term is defined in Section [17-27a-103](#).

999 (c) "Local government" means a county or a municipality, as defined in Section
1000 [10-1-104](#).

1001 (d) "Watershed council" means a council created under Chapter 10g, Part 3, Watershed
1002 Councils Act.

1003 (2) The division [~~may~~] shall provide technical assistance to a local government to
1004 support the local government's adoption of a water use and preservation element in a general
1005 plan.

1006 (3) When consulted by a local government for information and technical resources
1007 regarding regional water conservation goals under Subsection [10-9a-403\(2\)\(f\)\(vi\)](#) or
1008 [17-27a-403\(2\)\(f\)\(ii\)](#), the division may seek input from the appropriate watershed council or
1009 councils.

1010 Section 9. Section **73-10c-3** is amended to read:

1011 **73-10c-3. Water Development Coordinating Council created -- Purpose --**
1012 **Members.**

1013 (1) (a) There is created within the Department of Natural Resources a Water
1014 Development Coordinating Council. The council is comprised of:

1015 (i) the director of the Division of Water Resources;

1016 (ii) the executive secretary of the Water Quality Board;

1017 (iii) the executive secretary of the Drinking Water Board;

1018 (iv) the director of the Housing and Community Development Division or the director's
1019 designee; [~~and~~]

1020 (v) the state treasurer or the state treasurer's designee[~~;~~]; and

1021 (vi) the commissioner of the Department of Agriculture and Food, or the
1022 commissioner's designee.

1023 (b) The council shall choose a chair and vice chair from among [~~its~~] the council's own
1024 members.

1025 (c) A member may not receive compensation or benefits for the member's service, but
1026 may receive per diem and travel expenses in accordance with:

1027 (i) Section 63A-3-106;

1028 (ii) Section 63A-3-107; and

1029 (iii) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
1030 63A-3-107.

1031 (2) The purposes of the council are to:

1032 (a) coordinate the use and application of the funds available to the state to give
1033 financial assistance to political subdivisions of this state so as to promote the conservation,
1034 development, treatment, restoration, and protection of the waters of this state;

1035 (b) promote the coordination of the financial assistance programs administered by the
1036 state and the use of the financing alternative most economically advantageous to the state and
1037 its political subdivisions;

1038 (c) promote the consideration by the Board of Water Resources, Drinking Water
1039 Board, and Water Quality Board of regional solutions to the water and wastewater needs of
1040 individual political subdivisions of this state;

1041 (d) assess the adequacy and needs of the state and its political subdivisions with respect
1042 to water-related infrastructures and advise the governor and the Legislature on those funding
1043 needs; and

1044 (e) conduct reviews and reports on water-related infrastructure issues as directed by
1045 statute.

1046 Section 10. Section 73-10c-11 is enacted to read:

1047 **73-10c-11. Actions related to coordination of growth and conservation planning.**

1048 (1) (a) The council shall identify how different agencies may work together to assist the

1049 following in coordinating growth and conservation planning related to water:

1050 (i) municipalities, as defined in Section 10-1-104;

1051 (ii) counties;

1052 (iii) water conservancy districts, as defined in Section 17B-1-102; and

1053 (iv) public water systems, as defined in Section 19-4-102.

1054 (b) To comply with Subsection (1)(a), the council shall consider Sections 10-9a-403,
1055 17-27a-403, 19-4-114, and 73-10-32.

1056 (2) The council shall identify incentives that are most effective to help the entities
1057 described in Subsection (1) to, where feasible:

1058 (a) develop and implement conservation plans; and

1059 (b) regionalize water systems.

1060 **Section 11. Appropriation.**

1061 The following sums of money are appropriated for the fiscal year beginning July 1,
1062 2023, and ending June 30, 2024. These are additions to amounts previously appropriated for
1063 fiscal year 2024. Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures
1064 Act, the Legislature appropriates the following sums of money from the funds or accounts
1065 indicated for the use and support of the government of the state of Utah.

1066 ITEM 1

1067 To the Department of Natural Resources -- Water Resources

1068 From General Fund \$130,000

1069 From General Fund, One-time \$500,000

1070 Schedule of Programs:

1071 Planning \$630,000

1072 The Legislature intends that:

1073 (1) the Division of Water Resources use the one-time appropriation included in this
1074 item to provide water conservation planning grants to cities, counties, districts, and water
1075 providers, and to fund technical support for coordinated planning;

1076 (2) the one-time appropriation be nonlapsing; and

1077 (3) the ongoing General Fund included in this item be used by the Division of Water
1078 Resources to assist cities, counties, districts, and water providers with coordinated water
1079 planning.

1080 ITEM 2

1081 To the Department of Environmental Quality -- Drinking Water

1082 From General Fund \$130,000

1083 Schedule of Programs:

1084 System Assistance \$130,000

1085 The Legislature intends that the ongoing General Fund included in this item be used by
1086 the Division of Drinking Water to assist cities, counties, districts, and water providers with
1087 coordinated water planning.

1088 ITEM 3

1089 To the Department of Agriculture and Food -- Resource Conservation

1090 From General Fund \$130,000

1091 Schedule of Programs:

1092 Resource Conservation \$130,000

1093 The Legislature intends that the ongoing General Fund included in this item be used by
1094 the Division of Conservation to assist cities, counties, districts, and water providers with
1095 coordinated water planning.

1096 Section 12. **Effective date.**

1097 (1) Except as provided in Subsection (2), this bill takes effect on May 3, 2023.

1098 (2) The amendments to Section [73-3-3.5](#) in this bill take effect on March 1, 2024.